IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No :26717 of 2001

Dated: 10.07.2007

Between:
Sara Ravinder

..... PETITIONER

AND

1.The State of Andhra Pradesh,
represented by Joint Collector,
Rangareddy District and 3 others …. RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.26717 of 2001

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the

order dated 24.07.2000 passed by the 1st respondent in case No.D5/6654/1998 directing the 3rd respondent to initiate necessary action to record the land of old Sy.No.78 and new Sy.No.101 as Government land in the Pahanies and dismissing the petition, as being illegal and arbitrary and consequently sought for a direction to the respondents to correct the unauthorized entry made in the revenue records from the year 1963-64 onwards in respect of the nature of the said land as Kharij Khata (Sarkari) instead of Patta and also to record the name of petitioner's father i.e., Sara Chandraiah as Pattedar in all the revenue records from the year 1963-64.

It is the case of the petitioner that his father Sara Chandraiah is pattedar and possessor of certain extent of lands including the land admeasuring Ac.2.34 guntas in Sy.No.101 situated in Nizampet village of Qutubullapur Mandal, Rangareddy District and after his death in the year 1979 his children including the petitioner are in possession of the same. In the year 1998 it came to their notice that their father's name was shown as Pattedar and possessor in the revenue records only up to 1960-61 and thereafter in the Pattedar columns of the revenue records the name was not recorded and the land was described as 'Kharij Khata'. Therefore, the petitioner filed a petition for correction of entries in respect of the said land before the 1st respondent on 3.07.1998 who in turn forwarded the same to the 3rd respondent for enquiry and the 3rd respondent in his letter No.A/5223/98 dated 16.07.1998 reported that as per the verification of pahanies for the year 1959-60 to 1995-96 of Nizampet village, the land in question has been recorded as patta in the name of Sara Chandraiah from 1950-60 to 1962-63 and thereafter from 1963-64 to 1995-96 the land was recorded as Kharij Khata Sarakari. The 3rd respondent further reported that there was no sanction of Ain Kammi/Ain Izafa proposals by the Nazam-E-Jamabandi and it is not known how the ex-Patwari of Nizampet village recorded as Kharij Khata without approval of the Nazim-E-Jamabandi. Thereafter, the 2nd respondent-Revenue Divisional Officer in his letter No.A2/4898/1998 dated 28.11.1998 reported that as per Sethwar, the name of Sara Chandraiah was shown as Khatadar of Sy.No.101of Nizampet village and the classification of the land has been rounded off and re-written as Sivai Jamabandi and therefore, a mistake has occurred

while recording the land in question as Kharij Khata. The 1st respondent also obtained report from the 4th respondent-Assistant Director, Survey and Land Records, wherein it is stated that as per the Sethwar for the year 1956, the land has been recorded as dry land with classification as Sivai Jamabandi and the name of Sara Chandraiah was shown as Pattedar with total extent of Ac.2.36 guntas. On the basis of the said material, the 1st respondent passed the impugned order dated 24.07.2000 refusing the request of the petitioner for correction of entries in respect of Sy.No.101 of Nizampet village on the ground that the extent of the land in Sy.Nos.101, 238 and 345 corresponding to old Sy.No.78/1 to 3 is not tallying with the extent shown in the note submitted by the 4th respondent-Assistant Director, Survey and Land Records. The 1st respondent further stated that as per the copy of Asal Sethwar for the year 1956, the extent of the land in Sy.No.101 is shown as Ac.2.36 guntas, whereas as per the note submitted by the 4th respondent, it is Ac.3.11 guntas and, therefore, he directed the 3rd respondent-Mandal Revenue Officer to verify the bandobast records in respect of old Sy.No.78 (Poramboke) of Nizampet village and the correctness of corresponding new entries in the revenue records and initiate necessary action for recording the land of old Sy.No.78 as Government in the pahanies.

Counter-affidavit has been filed by the respondents.

Heard Sri O.Manohar Reddy, learned Counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents.

As per the note prepared by the 4th respondent, the extent of land in Sy.No.101 of Nizampet village was Ac.3.11 guntas. In the inquiry conducted by the respondents, they found that the father of the petitioners was recorded as a pattedar in respect of the land. When once the report made by the competent authority is to the effect that the father of the petitioner was originally a pattedar of an extent of Ac.2.36 guntas, the authority should have restricted the claim of the petitioner to that of Ac.2.36 guntas and given a finding that the remaining extent of land is only Kharij Khata, as it is contended that the land in S.No.101 is Kharij Khata. Simply because the extent of land sought for by the petitioner does not tally with

the extent shown in the note submitted by the 4th respondent and the same was mentioned in the revenue records as Kharij Khata, the petitioner cannot be denied of his claim over the land he was in possession. Hence, this Court is of the view that the order of the 1st respondent dated 24.07.2000 refusing to correct the entries in respect of Sy.No.101 of Nizampet village and rejecting the application of the petitioner is devoid of merits and accordingly the impugned order is hereby set aside.

The writ petition is accordingly allowed directing the respondents to make necessary correction of entries in respect of the land admeasuring Ac.2.36 guntas in Sy.No.101 of Nizampet village. It is made clear that so far as the remaining extent of land is concerned, it is always `open to the respondents to claim title over the said property as it is a Kharij Khata. Since the dispute is with regard to total extent of land in Sy.No.101 of Nizampet village, the 3rd respondent-Mandal Revenue Officer is directed to demarcate the said extent of Ac.2.36 guntas within a period of four weeks from the date of receipt of a copy of this order. No costs.

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(GOPALA KRISHNA TAMADA, J)

10-07-2007
Gsn.